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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,065	04/26/2001	Carl Phillip Gusler	AUS920010250US1	8471

45993 7590 09/21/2005

IBM CORPORATION (RHF)  
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EXAMINER
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KOPPIKAR, VIVEK D

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/843,065

Applicant(s)

GUSLER ET AL.

Examiner

Vivek D. Koppikar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/26/01; 7/15/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of the Application***

1. Claims 1-12 have been examined in this application. The Information Disclosure Statements (IDS) statement filed on April 26, 2001 and July 4, 2004 have also been acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-3, 5-7 and 9-11 are rejected under 35 U.S.C. 102(a) as being unpatentable by US Patent Number 6,587,835 to Treyz.

(A) As per claim 1, Treyz teaches a method of presenting information regarding products, suppliers and offerors to users in a virtual shopping mall on a communications terminal, said communications terminal having a user graphical display, a user input, and a memory (Abstract: Treyz), said method comprising:

storing in said memory a set of mall data objects, said mall data objects comprising a graphical map of a virtual shopping mall,, said map having a coordinate system associated with positions within the shopping mall, and a plurality of multimedia data objects indexed to said coordinate system (Col. 37, Ln. 11-20 and Figure 45);

assigning a customer an initial position having a set of coordinates within the shopping mall (Col. 37, Ln. 14 and Figure 45);

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presenting at least one multimedia data object to a user indexed to said initial position (Col. 37, Ln. 14-15 and Figure 45);

updating said initial position to a subsequent position responsive to a position change command from a user via said user input (Col. 37, Ln. 18-20 and Figure 45); and

presenting at least one multimedia object to a user indexed to said subsequent position (Col. 37, Ln. 18-20 and Figure 45).

(B) As per claim 2, Treyz teaches the steps of presenting a multimedia data object comprise presenting a visual image of a mall or store interior (Col. 37, Ln. 11-20; Col. 55, Ln. 61-Col. 56, Ln. 7).

(C) As per claim 3, in Treyz the step of presenting a visual image of a mall or store interior further comprise the steps of providing a customer-selectable hot spot within said visual image; and updating said customer's position responsive to selection of said hot spot (selectable logo (516)) (Col. 37, Ln. 14-20).

(D) As per claim 5, Treyz teaches a computer readable medium encoded with software for presenting information regarding products, suppliers and offerors to users in a virtual shopping mall on a communications terminal, said communications terminal having a user graphical display, a user input, and a memory, said software when executed by said communications terminal causing the communications terminal to perform the following actions (Treyz: Abstract and Col. 17, Ln. 27-45),

storing in said memory a set of mall data objects, said mall data objects comprising a graphical map of a virtual shopping mall, said map having a coordinate system associated with positions within the shopping mall, and a plurality of multimedia data objects indexed to said coordinate system (Col. 37, Ln. 11-20 and Figure 45);

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providing a map of a virtual shopping mall, said map having a coordinate system associated with positions within the shopping mall (Col. 37, Ln. 14 and Figure 45);

assigning a customer an initial position having a set of coordinates within the shopping mall (Col. 37, Ln. 14-15 and Figure 45);

presenting at least one multimedia data object to a customer indexed to said initial position (Col. 37, Ln. 18-20 and Figure 45);

updating said initial position to a subsequent position responsive to a position change command from a user received via said user input (Col. 37, Ln. 18-20 and Figure 45);

presenting at least one multimedia data object to a customer indexed to said subsequent position (Col. 37, Ln. 18-20 and Figure 45).

(E) As per claim 6, in Treyz the software performs the step of presenting a multimedia data object comprise presenting a visual image of a mall or store interior (Col. 37, Ln. 11-20; Col. 55, Ln. 61-Col. 56, Ln. 7).

(F) As per claim 7, in Treyz the software performs the step of presenting a visual image of a mall or store interior further comprise the steps of providing a customer-selectable hot spot within said visual image; and updating said customer's position responsive to selection of said hot spot (selectable logo (516)) (Col. 37, Ln. 14-20).

(G) As per claim 9, Treyz teaches a geographically-centered shopping mall browser for presenting information regarding products, suppliers and offerors to users in a virtual shopping mall using a communications terminal, said communications terminal having a user graphical display, a processor, a user input, and a memory, said shopping mall browser comprising (Treyz: Abstract and Col. 17. Ln. 27-45),

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a set of mall data objects disposed in said memory, said mall data objects comprising a graphical map of a virtual shopping mall, said map having a coordinate system associated with positions within the shopping mall, and a plurality of multimedia data objects indexed to said coordinate system (Col. 37, Ln. 11-20 and Figure 45);

a mall map displayer for showing on said communications terminal graphical display a geographical organization of a virtual mall contents (Col. 37, Ln. 14 and Figure 45);

a customer position initializer for assigning an initial user position having a set of coordinates within the virtual shopping mall (Col. 37, Ln. 14-15 and Figure 45),

a position tracker for updating said initial position to a subsequent position responsive to a position change command from a user via said user input (Col. 37, Ln. 18-20 and Figure 45);

a multimedia data object presenter for presenting at least one multimedia object to a customer indexed to said initial position or said subsequent position (Col. 37, Ln. 18-20 and Figure 45).

(H) As per claim 10, the system of Treyz performs the step of presenting a multimedia data object comprise presenting a visual image of a mall or store interior (Col. 37, Ln. 11-20; Col. 55, Ln. 61-Col. 56, Ln. 7).

(I) As per claim 11, in Treyz the software performs the step of presenting a visual image of a mall or store interior further comprise the steps of providing a customer-selectable hot spot within said visual image; and updating said customer's position responsive to selection of said hot spot (selectable logo (516)) (Col. 37, Ln. 14-20).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz as applied to Claim 1 above, and in further view of US Patent Number 6,388,688 to Schileru-Key.

(A) As per claim 4, Treyz does not teach that the step of presenting multimedia data objects comprise presenting a sound clip representative of background sound within a mall or store interior; however, this feature is well known in the art as evidenced by Schileru-Key (Col. 2, Ln. 58-64). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the method of Treyz to have included the aforementioned feature from Schileru-Key with the motivation of providing the observer with an enhanced view of the real environment represented by the virtual environment, as recited in Schileru-Key (Col. 2, Ln. 11-15).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz as applied to Claim 5 above, and in further view of US Patent Number 6,388,688 to Schileru-Key.

(A) As per claim 8, the software disclosed in Treyz does not teach that the step of presenting multimedia data objects comprise presenting a sound clip representative of background sound within a mall or store interior; however, this feature is well known in the art as evidenced by Schileru-Key (Col. 2, Ln. 58-64). At the time of the invention, it

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would have been obvious for one of ordinary skill in the art to have modified the software disclosed in Treyz to have included the aforementioned feature from Schileru-Key with the motivation of providing the observer with an enhanced view of the real environment represented by the virtual environment, as recited in Schileru-Key (Col. 2, Ln. 11-15).

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treyz as applied to Claim 9 above, and in further view of US Patent Number 6,388,688 to Schileru-Key.

(A) As per claim 12, the system disclosed in Treyz does not teach that the step of presenting multimedia data objects comprise presenting a sound clip representative of background sound within a mall or store interior; however, this feature is well known in the art as evidenced by Schileru-Key (Col. 2, Ln. 58-64). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the system disclosed in Treyz to have included the aforementioned feature from Schileru-Key with the motivation of providing the observer with an enhanced view of the real environment represented by the virtual environment, as recited in Schileru-Key (Col. 2, Ln. 11-15).

### ***Conclusion***

8. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone



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number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Another resource that is available is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

  
Vivek Koppikar

9/12/2005

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600